

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                |   |                          |
|--------------------------------|---|--------------------------|
| GEORGE BROWN,                  | ) |                          |
|                                | ) |                          |
| Plaintiff,                     | ) |                          |
|                                | ) |                          |
| v.                             | ) | Civil Action No. 04-115J |
|                                | ) |                          |
| OFFICER ROC,                   | ) | Judge Gibson             |
| OFFICER CANSELTERO,            | ) | Magistrate Judge Hay     |
| CITY OF JOHNSTOWN,             | ) |                          |
| BRAD BLACKINGTON,              | ) |                          |
| sued individually and in their | ) |                          |
| official capacity,             | ) |                          |
|                                | ) |                          |
| Defendants.                    | ) |                          |

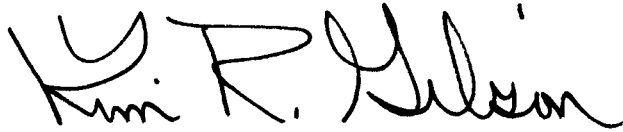
AND NOW, this 30<sup>th</sup> day of December 2005, after the plaintiff, George Brown, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that Plaintiff's Complaint is dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted;

IT IS FURTHER ORDERED that all pending motions in this action are denied as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is fluid and cursive, with the first name "Kim" and last name "Gibson" clearly legible. The middle initial "R." is written in a smaller, more compact style.

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KIM R. GIBSON  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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